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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,052	08/18/2003	Myong J. Lee	590130-2016	3109

7590 06/06/2006

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EXAMINER

BECKER, DREW E

ART UNIT PAPER NUMBER

1761

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/643,052	LEE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Drew E. Becker	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-33 and 47-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-33, 47-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18, 21-25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohata [Pat. No. 4,426,923] in view of Smith et al [Pat. No. 4,835,351].

Ohata teaches a method comprising the steps of heating water in a reservoir of a steamer assembly (Figure 2, #17), maintaining the water temperature and humidity levels (column 3, line 60 to column 4, line 9), heating air in a food cabinet and maintaining that temperature (Figure 2, #9; column 3, lines 47-60), placing pre-cooked food inside the cabinet (column 2, line 60), the operator inherently controlling and sequencing food removal, maintaining temperatures of 30-80°C (column 3, line 24), maintaining a humidity of 70% (column 3, line 27), and promoting drainage (Figure 2, #8). Ohata does not recite plural compartments. Smith et al teach a method for storing foods by placing them in separate compartments of a food cabinet (Figure 2, #12 & 14), maintaining an air temperature within the cabinet (Figure 19), and maintaining a water temperature within a steamer assembly (Figure 19). It would have been obvious to one of ordinary skill in the art to incorporate the plural compartments of Smith et al into the invention of Ohata since both are directed to methods of storing foods, since Ohata

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already taught different types of foods (column 2, line 61) which required different holding conditions, and since the plural compartments of Smith et al provided a means for holding different foods at different hold conditions.

3. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohata, in view of Smith et al, as applied above, and further in view of Baker et al [Pat. No. 4,189,631].

Ohata and Smith et al teach the above mentioned concepts. Ohata and Smith et al do not recite toasted hamburger buns. Baker et al teach a method for storing toasted hamburger buns in a warm environment (column 1, lines 5-26). It would have been obvious to one of ordinary skill in the art to incorporate the toasted hamburger buns of Baker et al into the invention of Ohata, in view of Smith et al, since all are directed to methods of storing foods, since Ohata already included cooked foods (column 2, line 61), and since toasted hamburger buns were commonly stored in warm environments as shown by Baker et al.

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohata, in view of Smith, as applied above, and further in view of JP 11052855A.

Ohata and Smith et al teach the above mentioned concepts. Ohata and Smith et al do not recite colored lights to guide food removal. JP 11052855A teaches a method for displaying the expiration date of stored foods by use of colored lights (title, abstract). It would have been obvious to one of ordinary skill in the art to incorporate the colored expiration lights of JP 11052855A into the invention of Ohata, in view of Smith et al, since all are directed to methods of storing food, since Ohata stored foods of different

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types (column 2, line 61), since each food possessed a different storage life, and since the colored lights of JP 11052855A provided a convenient means for tracking food storage times.

5. Claims 27, 29, and 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohata, in view of Smith et al, as applied above, and further in view of Su [Pat. No. 5,901,642].

Ohata and Smith et al teach the above mentioned concepts. Ohata and Smith et al do not recite drawers with carrier inserts. Su teaches a method of storing foods within drawers with carrier inserts (Figure 4). It would have been obvious to one of ordinary skill in the art to incorporate the drawers and carrier inserts of Su into the invention of Ohata, in view of Smith et al, since all are directed to methods of storing foods, since Ohata already included plural ventilated supports 9(Figure 2, #8 & 13), and since the drawers and carrier inserts of Su eliminated the need to reach inside the cabinet for the food.

6. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohata, in view of Smith et al and Su, as applied above, and further in view of Hiller et al [Pat. No. 4,436,082].

Ohata, Su, and Smith et al teach the above mentioned concepts. Su also teaches offset rows of openings (Figure 4). Ohata, Su, and Smith et al do not recite openings in the form of slits. Hiller et al teach a method of storing food by placing the food on carriers with open slits (Figure 3, #54). It would have been obvious to one of ordinary skill in the art to incorporate the slits of Hiller et al into the invention of Ohata, in view of Smith et al

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and Su, since all are directed to methods of storing food, since Su already included carrier inserts with openings (Figure 4), and since slit-shaped openings were commonly used in food storage devices as shown by Hiller et al.

7. Claims 32 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohata, in view of Smith et al, as applied above, and further in view of Kuest et al [Pat. No. 4,143,592].

Ohata and Smith et al teach the above mentioned concepts. Ohata and Smith et al do not recite a steam baffle plate. Kuest et al teach a method for storing food by use of a steam baffle plate (Figure 1, #5). It would have been obvious to one of ordinary skill in the art to incorporate the steam baffle plate of Kuest et al into the invention of Ohata, in view of Smith et al, since all are directed to methods of storing foods, since Ohata already included a steamer assembly and food cabinet, and since steam baffle plates were commonly used to separate steamer assemblies and food cabinets as shown by Kuest et al.

8. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohata, in view of Smith et al and Su, as applied above, and further in view of Ewald et al [Pat. No. 6,607,766].

Ohata, Su, and Smith et al teach the above mentioned concepts. Ohata, Su, and Smith et al do not recite an angled rear surface with leaning food. Ewald et al teach a method of storing food within a tray having an angled rear wall (Figures 9-10). It would have been obvious to one of ordinary skill in the art to incorporate the angled wall of Ewald et al into the invention of Ohata, in view of Smith et al and Su, since all directed to

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methods of storing food, since Su already included a drawer (Figure 4), since leaning foods on a wall would provide a greater storage density, and since the angled rear wall of Ewald et al would have provided a convenient means for supporting leaning foods.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lee [US 2002/0178930A1], Puvogel et al [Pat. No. 4,446,780], Tippmann et al [Pat. No. 6,619,189], Blanton Jr et al [Pat. No. 5,715,745], Brenn [Pat. No. 6,369,362], McKinney et al [Pat. No. 5,946,919], Buchnag [Pat. No. 5,188,020], Berrens [Pat. No. 4,579,051], Winther et al [pat. No. 5,598,971], Christopoulos [Pat. No. 3,609,297] and Stanger et al [Pat. No. 6,171,630] teach methods of storing food.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 18-33 and 47-51 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E. Becker whose telephone number is 571-272-1396. The examiner can normally be reached on Mon.-Fri. 8am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**DREW BECKER**  
**PRIMARY EXAMINER**  
6-5-d